



Maryland Department of Budget & Management

*DBM – people and technology...
a partnership for the new millennium*

*Office of the Secretary
Division of Policy Analysis*

*ROBERT L. EHRLICH, JR.
Governor*

*MICHAEL S. STEELE
Lieutenant Governor*

*JAMES C. DIPAULA, JR.
Secretary*

*CECILIA JANUSZKIEWICZ
Deputy Secretary*

Questions and Answers #2 to Request for Proposals (RFP) Maryland Technical Architecture Framework (MTAF) Project No. F10R4200135

Ladies and Gentlemen:

Received the following questions by e-mail which are answered for all offerors to the referenced RFP, below:

1. **Question:** As one of the primary objectives of this solicitation for Enterprise Architecture is the development and delivery of a set of design specifications, would the successful offeror be likely to be precluded from bidding on future solicitations which either implemented, or were based on, the design specifications delivered under this effort?

Answer: Since this procurement will result in the development of technical standards that may form a part of the requirements for future procurements by the State, the selected Contractor may be precluded from certain future procurements where technical standards are an integral part of the requirements.

2. **Question:** How does the State Ethics Law apply to Subcontractors who fulfill MBE requirements for the Prime Contractor? Specifically, if an MBE Subcontractor supports the work of the MTAF Prime Contractor, will that MBE Subcontractor be precluded from supporting other prime Contractors bidding on future implementation work?

Answer: Section 15-508 prohibits a Contractor from submitting a proposal if an individual employed by the Contractor assisted in drafting of specifications for that procurement. If the work product of an employee of a Subcontractor is submitted by the Contractor to the State under this Contract, it is our view that the Contractor and the specific Subcontractor employing the individual may be prohibited from submitting proposals for related information technology procurements.

The application of §15-508 depends on the specific factual circumstances of the procurement. Thus, it is not possible to predict all the circumstances that might bar the selected Contractor from participation in subsequent procurements. The State Ethics Commission is responsible for the interpretation of §15-508 and the selected offeror or the procuring agency should seek advice of the Commission if there is any uncertainty. The State Ethics Commission has issued a number of opinions regarding the application of §15-

508 to specific circumstances. Some have involved the procurement of information technology design and may provide useful guidance. These opinions may be found at <http://www.dsd.state.md.us>. Among others, Opinions 94-4, 96-5, 98-9, 00-1 and 01-2 deal with §15-508.

Date Issued: March 26, 2004

By <signed> .
Norman H. Grinnell
Procurement Officer